

MR1035-1512
Serial No. 10/642,396
Reply to Office Action dated 16 December 2004

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action dated 16 November 2004. Responsive to the rejections and objection made in the Official Action, Claims 1, 7, 11, 13, and 15 have been amended to clarify the combination of elements which form the invention of the subject Patent Application. Additionally, Claims 5, 6, 9, 12 and 14 have been corrected to correct the language thereof and Claims 2, 3, 10 and 16-17 have been cancelled by this Amendment.

In the Official Action, the Examiner rejected Claims 13 and 14 35 U.S.C. § 101, as being non-statutory subject matter. The Examiner stated the claims were directed to a computer per se, and not steps to be performed on a computer. Accordingly, Claims 13 and 14 have been amended to now be directed to steps executed by a computer. Thus, it is believed that the rejection has been overcome and it is respectfully requested that the rejection under 35 U.S.C. § 101 be withdrawn.

In the Official Action, the Examiner objected to Claims 9, 12 and 14 due to informalities in those claims. Claims 9, 12 and 14 have been amended to correct those informalities kindly noted by the Examiner.

In the Official Action, the Examiner rejected Claims 1 – 9 and 11 – 17 under 35 U.S.C. § 102(e), as being anticipated by Hsu, et al., U.S. Patent Application Publication 2003/0156646. However, the Examiner kindly indicated

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that Claim 10 would be allowable if rewritten in independent form including all of the limitations of the base and any intervening claims.

Claim 7 has been amended to incorporate the subject matter of Claim 10 therein, thereby effectively rewriting Claim 10 in independent form to include all of the limitations of the base, Claim 7, and any intervening claims, which there were none. Thus, Claim 7 should now be allowable. Claims 8 and 9 are believed to set forth further patentably distinct limitations, but are at least patentably distinct for the same reasons as Claim 7.

Independent Claims 1, 11, 13, and 15 have also been amended to incorporate the subject matter of Claim 10 therein. Therefore, Claims 1, 11, 13, and 15 now each include the subject matter that the Examiner has indicated was patentably distinct over the prior art, and should now be allowable, as should the claims respectively dependent thereon.

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For all of the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE



David I. Klein
Registration #33,253

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Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
(410) 465-6678

Customer No.
04586

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For: ROSENBERG, KLEIN & LEE


DAVID I. KLEIN

15 March 2005
Date